Please type a plus sign (+) inside this box 04-09-04 + PTO/SB/21 (6-99) Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/006,768 **Application Number TRANSMITTAL Filing Date DECEMBER 6, 2001 FORM First Named Inventor KEVIN P. BAKER** (to be used for all correspondence after initial filing) Group/Art Unit 1647 KAPUST, RACHEL B. **Examiner Name** Total Number of Pages in This Submission 14 **Attorney Docket Number** 39780-2830 P1C10 ENCLOSURES (check all that apply) Copy of an Assignment After Allowance Communication to Fee Transmittal Form Group Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group MENDMENT / RESPONSE Licensing-related Papers (Appeal Notice, Brief, Reply Brief) After Final Petition Routing Slip (PTO/SB/69) Proprietary Information and Accompanying Petition Version With Markings Showing Petition to Convert to a Status Letter Changes **Provisional Application** Affidavits/declaration(s) Power of Attorney, by Assignee to ADDITIONAL ENCLOSURE(S) Exclusion of Inventor Under 37 C.F.R. (PLEASE IDENTIFY BELOW): Extension of Time Request §3.71 With Revocation of Prior Powers **DECLARATION OF LUC** Terminal Disclaimer Information Disclosure Statement **DESNOYERS, Ph.D. UNDER 37** C.F.R. 1.131 WITH EXHIBITS A AND Small Entity Statement Certified Copy of Priority Document(s) B; and STAMPED RETURN **POSTCARD** Request for Refund Response to Missing Parts/ Incomplete Application Remarks Response to Missing Parts under 37 CFR **AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN** 1.52 or 1.53 CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C10 Copy of Notice SIGNATURE OF APPLICANT, ATTORNEY OR AGENT Firm or **HELLER EHRMAN WHITE & McAULIFFE LLP** GINGER R. DREGER (Reg. No. 33,055) Individual name 275 Middlefield Road, Menlo Park, California 94025 Telephone: (650) 324-7000 Facsimile: (650) 324-0638 Signature

> I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, PO Box 1450,

Alexandria, Virginia 22313-1450, on this date: April 7, 2004

C. FONG

C. Fon

April 7, 2004

Date

Typed or printed name

Signature

Express Mail Label EL 977 677 225 US April 7, 2004 Date

35489

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Customer Number:

CERTIFICATE OF EXPRESS MAILING

OTP E VOIR DELLES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Kapust, Rachel B.
Kevin P. BAKER, et al.) Art Unit: 1647
Application Serial No. 10/006,768) Confirmation No. 1346
Filed: December 6, 2001) Attorney's Docket No. 39780-2830 P1C10
For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME) Customer No. 35489))

EXPRESS MAIL LABEL NO. <u>EL 977 677 225 US</u>

Date Mailed: APRIL 7, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Non-Fee Amendment

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on January 21, 2004 in connection with the above-identified patent application (Paper No. 0104), please enter the following amendments, and consider the following arguments. The present Amendment and Response is accompanied by the submission of declaration of Dr. Luc Desnoyers, the consideration of which is respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.